

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JUDGE COLLIER-BEY,)
)
Petitioner,)
)
vs.)
)
DUSHAN ZATECKY,)
Respondent.)
)
No. 1:13-cv-01477-JMS-DKL

Entry and Order Dismissing Action

I.

Judge Collier-Bey is a state prisoner who seeks a writ of habeas corpus with respect to a disciplinary proceeding conducted on July 16, 2012. In that proceeding, Collier-Bey was found guilty of violating prison rules through his possession of hazardous chemicals.

Collier-Bey is entitled to a writ of habeas corpus if he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2254(a). Despite ascribing constitutional labels to his claims, Collier-Bey's complaint is based upon the timing of his hearing, and the fact that he claims it was held one day too late under prison policy. The failure of prison authorities to following their own procedures, which is the common theme of the habeas claims here, is not a sufficient basis on which to secure relief pursuant to § 2254(a). *Evans v. McBride*, 94 F.3d 1062 (7th Cir. 1996); *Colon v. Schneider*, 899 F.2d 660, 672-73 (7th Cir. 1990); *see also Del Vecchio v. Illinois Dept. of Corrections*, 31 F.3d 1363, 1370 (7th Cir. 1994)(habeas corpus jurisdiction is limited to evaluating alleged violations of federal statutory or constitutional law), *cert. denied*, 516 U.S. 983 (1995).

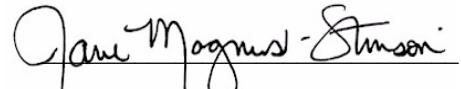
Collier's habeas claims are not cognizable under § 2254(a). *Perruquet v. Briley*, 390 F.3d 505, 511 (7th Cir. 2004)(“To say that a petitioner's claim is not cognizable on habeas review is thus another way of saying that his claim ‘presents no federal issue at all.’”)(quoting *Bates v. McCaughtry*, 934 F.2d 99, 101 (7th Cir. 1991)). Accordingly, Collier-Bey's petition for writ of habeas corpus shows on its face that he is not entitled to the relief he seeks and is summarily dismissed pursuant to Rule 4 of the *Rules Governing Section 2254 Proceedings in the United States District Courts*.

II.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 11/26/2013



Hon. Jane Magnus-Stinson
United States District Court
Southern District of Indiana

Distribution:

Judge Collier-Bey
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